

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GINA ANNE NOEL PANE,

Plaintiff,

Case Number:
07 CV 3216
(WP4) (LMS)

-against-

THE TOWN OF GREENBURGH, JOHN KAPICA,
in his capacity as CHIEF OF THE GREENBURGH
NEW YORK POLICE DEPARTMENT, ERIK WARD,
POLICE OFFICER MICHAEL MUESSER, SERGEANT
ROBERT GRAMAGLIA, SERGEANT FRANCIS
PUMILLO, DETECTIVE FERTIG, JOHN DOE
POLICE OFFICERS 1-10, SO NAMED
AS THEIR IDENTITIES HAVE YET TO
BE ESTABLISHED

**RULE 26(a)
DISCLOSURE**

Assigned Judge:
Hon Lisa Margaret Smith
U.S.M.J.

Defendants.

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The Defendants, TOWN OF GREENBURGH, and JOHN KAPICA, in his
capacity as Chief of the Greenburgh New York Police Department (hereinafter
collectively referred to as "Town Defendants") by their attorneys MURPHY STECICH &
POWELL, LLP, hereby disclose the following:

- A. Name and, if known the address and telephone number of each individual likely to have discoverable information the disclosing party may use to support its claim or defenses, unless solely for impeachment:

John Kapica, 188 Tarrytown Road, White Plains, New York;
Michael Muesser, 188 Tarrytown Road, White Plains, New York;
Paul Fertig, 188 Tarrytown Road, White Plains, New York;
Vincent LoGuidice, 188 Tarrytown Road, White Plains, New York;
James Duckham, 188 Tarrytown Road, White Plains, New York
Francis Pumilo, 188 Tarrytown Road, White Plains, New York
Robert Gramaglia, 188 Tarrytown Road, White Plains, New York
D. Massett, 188 Tarrytown Road, White Plains, New York
Edward Olson, 188 Tarrytown Road, White Plains, New York
Kera Knoesel, 188 Tarrytown Road, White Plains, New York
J. Perry, 188 Tarrytown Road, White Plains, New York
E. Lederer, 188 Tarrytown Road, White Plains, New York
K. Powell, 188 Tarrytown Road, White Plains, New York
Jake Piazza, 18 McCarthy Drive, Ossining, New York
Phil Reisman, c/o The Journal News, One Gannet Drive, White
Plains, New York

B. **Documents:** A copy of, or description by category and location, of all documents, data compilations, and tangible things in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for

impeachment:

- ▶ Statement of Jake Piazza dated 1/31/06;
- ▶ New York State Police Incident Report, Case No. 06-2037, dated 01/21/06 and associated evidence reports, impound, inventory reports and laboratory reports filed or made in connection with the arrest of Plaintiff on 01/21/2006;
- ▶ Video taped/ digital recordings of various individuals and locations in or around the Greenburgh Police Department building at 188 Tarrytown Road, White Plains, New York taken or recorded on January 21-22 2006

C. **Computation of Damages:** Not applicable

D. **Insurance:** At the time of the actions which are the subject of the instant complaint, the Town was insured by American Alternative Insurance Corporation under policy number 01-A2-RL-0000021-01 having a policy limit of \$1,000,000.00 per occurrence and a Commercial Excess policy, number 01-A2-FF-0000085-02 having a policy limit of \$9,000,000 per occurrence.

Dated: Tarrytown, New York
July 27, 2007

MURPHY STECICH & POWELL, LLP
Attorneys for the Town of Greenburgh
and John Kapica

S/

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